

### **Remarks**

Claims 1-25 are pending in this application. In an Office Action dated May 6, 2004, the Examiner rejected claims 1-6 and 11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,678,242 to Simon (henceforth, Simon) in view of U.S. Patent No. 6,373,837 to Kleyman *et al.* (henceforth, Kleyman) and U.S. Patent No. 5,852,606 to Prince *et al.* (henceforth, Prince). The Examiner objected to claims 9, 10 and 12-14 as being dependent on a rejected base claim but as otherwise providing allowable subject matter. The Examiner allowed claims 15-25. Applicants respectfully disagree with the Examiner's rejections and request reconsideration in light of the following remarks.

Claim 1 provides a virtual backplane for an information network interconnecting a plurality of computer elements. The virtual backplane includes a plurality of physical backplanes each connecting a plurality of cards. At least one card in each backplane is connected to at least one group of a data interconnect. At least one management processor supplies routing information to the plurality of cards. A network interconnects the management processor and the cards.

The Examiner rejected claim 1 as an obvious combination of Simon, Kleyman and Prince. However, none of these references teach or fairly suggest Applicants' management processor. The Examiner admits that his base reference, Simon, does not disclose Applicants' invention. But the Examiner fails to point out any specific teaching in Kleyman or Prince to make up for this lack of disclosure.

With regard to Kleyman, the best the Examiner can do is state "Abstract, Figs 1-5, col. 2, line 1 thru col 5, line 67." (Page 3.) Kleyman discloses a "system for transmitting data between circuit boards in a housing." The invention includes a switching matrix which receives a data packet from one board and routes the data packet to another board based on an address accompanying the data. There is no need for Applicants' management processor because all the boards in Kleyman are located within the same housing and are interconnected by a single backplane. Kleyman's invention can be used to create a "remote access server ... with connectivity to the Internet or other network." (Col. 3, ll. 52-54.) However, there is no teaching or suggestion for some management processor supplying routing information to a card in the remote access server and any other card that may be connected

over the “Internet or other network.” There is no reason provided in Kleyman to have such a management processor.

With regard to Prince, the Examiner’s description does not even mention a management processor. Prince discloses routing cells in an ATM switch using the switch’s backplane bus. There appears to be no virtual backplane of any kind and there is no hint of Applicants’ management processor. The Examiner’s argument regarding Prince is on page 3, reproduced as follows:

... Prince discloses (Abstract, Fig. 2 & 3, col. 6, line 60 thru col. 9, line 37, col. 10 line 24 thru col. 13, line 40) transmitting cells across an ATM switch whereby the architecture includes a switch fabric that controls communication routing associated with virtual circuits, ATM switch is utilized as a back plane which accommodates multiple modules/cards (ATM, LAN, Token Ring, FDDI, Ethernet), (col. 7 thru col. 8) wherein the multiple modules/cards contain a plurality of port interfaces, wherein each port is capable of supporting a LAN segment, ATM switch.

There is no discussion of Applicants’ management processor in the Examiner’s argument or of any component even resembling Applicants’ management processor.

According to M.P.E.P. § 2142, three criteria must be met for the Examiner to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in Simon, Kleyman, Prince, or in knowledge generally available to one of ordinary skill in the art, to modify Simon. Second, there must be a reasonable expectation that this modification will succeed. Finally, either Simon, Kleyman or Prince must teach or suggest all claim limitations. The Examiner points to no disclosure in either Simon, Kleyman or Prince for Applicants’ management processor. Thus, there can be no motivation to combine or reasonable expectation of success.

The Examiner has failed to establish a *prima facie* case of obviousness in rejecting claim 1. Claim 1 is patentable over the cited art. Claims 2-14 depend from claim 1 and are therefore also patentable.

Claims 1-25 are pending in this Application. These claims meet all substantive requirements for patentability and Applicants respectfully request that this case be passed to

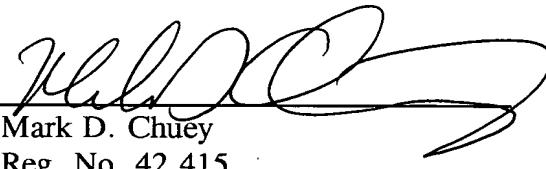
issuance. No fee is believed due by filing this response. However, any fee due may be withdrawn from Deposit Account No. 19-4545 as specified in the Application Transmittal.

The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted,

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